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FILED

JAN 07 2014

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Defendant in Pro Per

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re: DEMAS YAN (Yan),) Bankruptcy Court Case No: 04-33526 TEC
) Chapter 7
Debtor)
Demas Yan, an individual,) Superior Court Case No: CGC-12-522566
) Removal date: August 28, 2012
Plaintiff)
) Adversary Proceeding No. 12-3129
v.)
)
Tony Fu aka Dong Xing Fu, Crystal Lei aka Li) NOTICE OF ENTRY OF ORDER
Ming Lei, Stella Hong Chen aka Hong Xing Fu)
aka Hong Xing Chen, Bryant Fu, Wei Suen,)
DOES 1-20,)
)
Defendants)

TO ALL PARTIES: Please take notice that on December 23, 2013 the Honorable
Thomas E. Carlson entered the Orders attached hereto as Exhibit A and B.
Dated: January 6, 2014

By: *Tony Fu*
Tony Fu, Defendant in Pro Per

Exhibit A



Signed and Filed: December 23, 2013

A handwritten signature in black ink, appearing to read "T. E. Carlson".

THOMAS E. CARLSON U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re)	Case No. 04-33526 TEC
)	
DEMAS WAI YAN,)	Chapter 7
)	
Debtor.)	
)	
DEMAS WAI YAN,)	Adv. Proc. No. 12-3129 TC
)	
Plaintiff,)	
)	
vs.)	
)	
TONY FU, STELLA CHEN, WEI SUEN,)	
BRYANT FU, and CRYSTAL LEI,)	
)	
Defendants.)	

ORDER DETERMINING DEMAS YAN TO BE A VEXATIOUS LITIGANT

This case came before the court on Defendant Tony Fu's motion for an order determining Plaintiff Demas Yan to be a vexatious litigant. Plaintiff Demas Yan appeared *in pro per*. Defendant Tony Fu appeared *in pro per*. Michael J. Betz appeared for Defendant, Crystal Lei, who joined Mr. Fu's motion.

Upon due consideration, and for the reasons stated in the accompanying Memorandum Decision, the court hereby orders as

ORDER DETERMINING DEMAS YAN
TO BE A VEXATIOUS LITIGANT

1 follows:

2 (1) Demas Yan is determined to be a vexatious litigant.

3 (2) Demas Yan is prohibited from filing any action in this
4 court against Tony Fu, Stella Chen, Wei Suen, Bryant Fu, and Crystal
5 Lei (Defendants) without prior authorization from a judge of this
6 court.

7 (3) Prior to filing any action in this court against any of
8 Defendants, Demas Yan shall file, but not serve, a request for leave
9 to file such action and attach as an exhibit the proposed complaint.

10 (4) This court may resolve any request for leave to file
11 without a hearing and without comments from Defendants. If
12 appropriate, the court may set a hearing on the request and/or
13 permit Defendants to file opposition. The court will enter an order
14 granting or denying each request for leave to file.

15 (5) The Clerk is directed not to accept for filing any
16 complaint by Demas Yan against any of Defendants unless Yan has
17 obtained an order from a judge of this court granting Yan leave to
18 file the complaint in question.

19 (6) Any request for leave to file subject to this order shall
20 be assigned to the above-signed judge as a proceeding related to the
21 Yan bankruptcy case, so long as the above-signed judge continues to
22 serve on this court.

23 **END OF ORDER**

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ORDER DETERMINING DEMAS YAN
TO BE A VEXATIOUS LITIGANT

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Exhibit B



Signed and Filed: December 23, 2013

A handwritten signature in black ink, appearing to read "T. E. Carlson".

THOMAS E. CARLSON U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 In re) Case No. 04-33526 TEC
11 DEMAS WAI YAN,) Chapter 7
12)
13 Debtor.)
14 DEMAS WAI YAN,) Adv. Proc. No. 12-3129 TC
15 Plaintiff,)
16 vs.)
17 TONY FU, STELLA CHEN, WEI SUEN,)
18 BRYANT FU, and CRYSTAL LEI,)
19 Defendants.)

ORDER RE TONY FU'S RULE 12(B) (6) MOTION TO DISMISS

21 This case came before the court on Defendant Tony Fu's Rule
22 12(b) (6) motion to dismiss (the Motion). Plaintiff Demas Yan
23 appeared *in pro per*. Defendant Tony Fu (Fu) appeared *in pro per*.
24 Michael J. Betz appeared for Defendant Crystal Lei (Lei).

25 Upon due consideration, the court hereby orders as follows:

26 (1) The following claims for relief are dismissed without leave
27 to amend:

28 (a) Yan's first claim for relief for intentional

ORDER RE RULE 12(B) (6)
MOTION TO DISMISS

1 infliction of emotional distress against Fu and Lei to the extent
2 that it asserts any claim related to the Chenery Property, or any
3 claim related to the purchase of building supplies on behalf of San
4 Francisco Building Professionals, Inc. (SFBP), embezzlement of funds
5 of SFBP, or inducing SFBP to sue Yan;

6 (b) Yan's second claim for relief for breach of fiduciary
7 duty against Fu and Lei to the extent that it asserts any claim
8 related to the Chenery Property, or any claim related to the
9 purchase of building supplies on behalf of SFBP, embezzlement of
10 funds of SFBP, or inducing SFBP to sue Yan;

11 (c) Yan's third claim for relief; and

12 (d) Yan's sixth claim for relief for declaratory relief.

13 (2) The following claims for relief are dismissed with leave to
14 seek permission to file an amended complaint in the manner specified
15 in the Order re Motion for Order Deeming Demas Yan a Vexatious
16 Litigant:

17 (a) Yan's first claim for relief for intentional
18 infliction of emotional distress against Fu and Lei to the extent
19 that it asserts a post-petition claim not related to the Chenery
20 Property, and not related to the purchase of building supplies on
21 behalf of SFBP, embezzlement of funds of SFBP, or inducing SFBP to
22 sue Yan;

23 (b) Yan's second claim for relief for breach of fiduciary
24 duty against Fu and Lei to the extent that it asserts a post-
25 petition claim not related to the Chenery Property and not related
26 to the purchase of building supplies on behalf of SFBP, embezzlement
27 of funds of SFBP, or inducing SFBP to sue Yan;

28 (c) Yan's fourth claim for relief for the unauthorized

1 practice of law against Fu and Lei; and

2 (d) Yan's fifth claim for relief for malicious prosecution
3 against Fu.

4 The proposed amended complaint attached to any request for
5 leave to file such complaint shall allege with specificity the dates
6 of occurrence of all acts giving rise to the relief requested.

7 **END OF ORDER**

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ORDER RE RULE 12(B) (6)
MOTION TO DISMISS

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